



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB3588

Introduced 2/28/2007, by Rep. Careen M Gordon

#### SYNOPSIS AS INTRODUCED:

725 ILCS 5/115-7.4 new

Amends the Code of Criminal Procedure of 1963. Provides that in a criminal prosecution in which the defendant is accused of an offense of domestic violence as defined in the Illinois Domestic Violence Act of 1986, evidence of the defendant's commission of another offense or offenses of domestic violence is admissible, and may be considered for its bearing on any matter to which it is relevant. Provides that in weighing the probative value of the evidence against undue prejudice to the defendant, the court may consider: (1) the proximity in time to the charged or predicate offense; (2) the degree of factual similarity to the charged or predicate offense; or (3) other relevant facts and circumstances. Provides that in a criminal case in which the prosecution intends to offer evidence under this provision, it must disclose the evidence, including statements of witnesses or a summary of the substance of any testimony, at a reasonable time in advance of trial, or during trial if the court excuses pretrial notice on good cause shown. Provides that in a criminal case in which evidence is offered under this provision, proof may be made by specific instances of conduct, testimony as to reputation, or testimony in the form of an expert opinion, except that the prosecution may offer reputation testimony only after the opposing party has offered that testimony. Effective immediately.

LRB095 07370 RLC 29430 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Code of Criminal Procedure of 1963 is  
5 amended by adding Section 115-7.4 as follows:

6 (725 ILCS 5/115-7.4 new)

7 Sec. 115-7.4. Evidence in domestic violence cases.

8 (a) In a criminal prosecution in which the defendant is  
9 accused of an offense of domestic violence as defined in  
10 paragraphs (1) and (3) of Section 103 of the Illinois Domestic  
11 Violence Act of 1986, evidence of the defendant's commission of  
12 another offense or offenses of domestic violence is admissible,  
13 and may be considered for its bearing on any matter to which it  
14 is relevant.

15 (b) In weighing the probative value of the evidence against  
16 undue prejudice to the defendant, the court may consider:

17 (1) the proximity in time to the charged or predicate  
18 offense;

19 (2) the degree of factual similarity to the charged or  
20 predicate offense; or

21 (3) other relevant facts and circumstances.

22 (c) In a criminal case in which the prosecution intends to  
23 offer evidence under this Section, it must disclose the

1 evidence, including statements of witnesses or a summary of the  
2 substance of any testimony, at a reasonable time in advance of  
3 trial, or during trial if the court excuses pretrial notice on  
4 good cause shown.

5 (d) In a criminal case in which evidence is offered under  
6 this Section, proof may be made by specific instances of  
7 conduct, testimony as to reputation, or testimony in the form  
8 of an expert opinion, except that the prosecution may offer  
9 reputation testimony only after the opposing party has offered  
10 that testimony.

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.